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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2004 OCT 19 A 9:41

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UNITED STATES OF AMERICA )

v. )

\_\_\_\_\_  
MICHAEL HOWARD )

U.S. DISTRICT COURT  
CRIMINAL NO. 04-10020-RWZ

MEMORANDUM FOR OCTOBER 19, 2004 ARRAIGNMENT  
and STATUS CONFERENCE

The government submits this memorandum addressing the issues set out in Local Rule 116.5(C) ("Final Status Conference"). On September 22, the grand jury returned a "Blakely" superseding indictment, on which the defendant will be re-arraigned on October 19.

(1) Outstanding Discovery Issues:

The government does not intend to seek relief from the Court on any discovery issue.

(2) Additional Discovery:

On March 15, 2004, the government provided automatic discovery in the form of a letter to his counsel which invited him to review the large volume of discoverable materials at the U.S. Attorney's Office at his convenience, some of which the government has produced directly to the defense counsel.

(3) Insanity Defense:

The government understands that the defendant will not raise an insanity defense.

(4) Alibi Defense:

The government has not requested notice of an alibi defense from the defendant.

(5) Suppression Motions:

The government understands that the defendant does not intend to file any suppression motions.

(6) Schedules Other Than Trial:

The government does not request any scheduling other than for trial.

(7) Settlement Discussions:

On several occasions, both prior to and after indictment, the government has extended plea offers to the defendant, each of which he has rejected.

(8) Speedy Trial Act

All time has been excluded from arraignment through to date.

(9) Trial Length


The government estimate that trial of this matter will be one week.

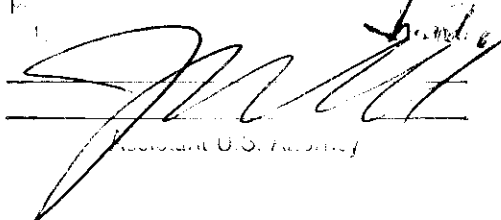
Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

Dated: October 19, 2004

By:

  
Jonathan F. Mitchell  
Assistant U.S. Attorney

  
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Assistant U.S. Attorney